

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5783 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

ASHOKBHAI KACHRABHAI PATEL

Versus

PANDIT SUKHLALJI, BLINDMAN

Appearance:

MR BG JANI for Petitioner
MS HANSA B PUNANI for Respondent No. 1
MS S.J. TALATI, A.G.P. for Respondent No. 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/10/97

ORAL JUDGEMENT

The petitioner by this petitioner challenges the order of the respondent no. 1 dated 13-8-1991. Under this order the respondent no. 1 directed the petitioner to give his option to work in the fixed salary of Rs.1,200/p.m. in the institution within seven days from

the date of receipt of the said order and in case of failure to give option his services would be liable to be terminated.

It is not in dispute that the institution is receiving grant-in-aid from the Government. In such matters, the approach of the petitioner directly to this Court by way of the present special civil application against the impugned order of the respondents is wholly unjustifiable. In the Government there are number of officers who can take the care of the situation. The petitioner against the order of the respondent no. 1 dated 13-8-1991 could have made representation to the Director of Social Defence Department, Ahmedabad and only when that matter has been decided by that officer he may have some semblance of justification of approaching this Court under Article 226 of the Constitution of India. The State Government is giving grand-in-aid and it is for it to decide what should be pay scale of the post on which the petitioner has been taken in service. This proposal has not been accepted by the petitioner. Interest of justice would be met if this Special Civil Application is disposed of with direction to the respondent no. 2 to decide representation of the petitioner if the same is made by him against the impugned order Annexure - B to the respondent no. 2 within a period of 15 days from the date of receipt of the copy of this order, within 3 months from the date of receipt of the same. In case, the grievances of the petitioner are not acceptable then reasoned order may be passed and the copy of the same may be sent to the petitioner by Regd. Post A.D. In case, the grievances of the petitioners are accepted then all the consequential order may be passed and consequential benefits flow from them should be given to him within reasonable period. In case of difficulty, the petitioner is at liberty to revive this special civil application.

Rule is made absolute in the aforesaid terms with no order as to costs. Till the representation of the petitioner is decided interim relief granted by this Court shall continue.

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